

DIST/OFFICE	DOCKET YR.	NUMBER	FILING DATE MO. DAY YEAR	J	N/S	O	R	R 23	DEMAND \$ 13	OTHER	JUDGE NUMBER	JURY DEM.	YR.	DOCKET NUMBER
1085/4	76	0478	9 17 76	4	190	1	41				8510		76 76	0478-C 0509-C

PLAINTIFFS

DEFENDANTS

(Cons.)

CARL H. BARBEE and
RUTH F. BARBEE

IRBY SPROUSE, JR. and
CONCEPT 21, Inc.

CAUSE

Title 28, §1332. This is a suit for Recission.

ATTORNEYS

C. Baker Baker
Jay C. Baker
~~912 Mayo Bldg.~~ 1850 So Boulder
Tulsa, OK 74103 74119
587-1168

Richard Blanchard (both defts.)
Fifth Floor, Mid-Continent Bldg.
Tulsa, OK 74103
585-1181

☐ CHECK
HERE
IF CASE WAS
FILED IN
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FILING FEES PAID

DATE

RECEIPT NUMBER

C.D. NUMBER

STATISTICAL CARDS

CARD DATE MAILED

JS-5 10-1-76

JS-6 1-1-78

DATE 1976	NR.	PROCEEDINGS
9-17	1.	Complaint, filed. Summons issued. ph
9-23	--	Complaint & summons, ret & filed: Served Concept 21, Inc. on 9-21-76 at Tulsa, OK; served Irby Sprouse, Jr., Concept 21 on 9-21-76 at Tulsa, OK. (USM \$8.64)ph
10-4	2.	Ans. of deft. Concept 21, filed. ph
10-4	3.	Motion to dismiss of deft. Irby Sprouse, Jr., filed. ph
10-4	4.	Brief in support of deft. Irby Sprouse's motion to dismiss, filed. ph
10-4	5.	Counterclaim of Concept 21, Inc., against pltf., filed. ph
10-5	MO:	It is ordered by the Court that the pltf. file a resp. brief within 10 days to the Motion to Dismiss filed by deft. Irby Sprouse, Jr. (HDC-J)ph ltr. mld
10-15	6.	Resp. of pltfs. to motion to dismiss of Irby Sprouse, Jr., filed. ph
10-15	7.	Amended complaint of pltfs., filed. ph
10-15	8.	Pltf's motion to consolidate this case w/76-C-509-C w/brief in support filed. ph
10-15	MO:	It is ordered by the Court that the defts. file a resp. brief within 10 days to the Motion to Consolidate case 76-C-509 with case 76-C-478, filed by pltfs. (HDC-J)ph cps mld
10-22	9.	Defts' resp. to pltfs' motion to consolidate case 76-C-509 with case 76-C-478, filed. ph
10-22	10.	Motion to strike of deft. Irby Sprouse, Jr., filed. ph (wants to strike pltf's amended complt.)
10-22	11.	Brief in support of deft. Irby Sprouse, Jr.'s motion to strike, filed. ph
10-22	MO:	It is ordered by the Court that the pltf. file a resp. brief within 10 days to the deft. Irby Sprouse, Jr.'s motion to strike pltf's amended complaint. (HDC-J)ph cps mld
11-8	12.	Motion for continuance to resp. to defts' motion to strike and to ans. counterclaim of defts, filed by pltfs. ph
11-9	13.	Pltf's reply brief in oppos. to deft., Irby Sprouse, Jr.'s motion to strike, filed. ph
11-12	14.	Pltfs' answer to counter-claim with leave of Court to file out of time, filed.s
12-29	15.	Order overruling motions to dismiss and to strike and sustaining motion to consolidate, filed, and consolidating 76-C-509 with this case. Consolidated cases set for pt hearing 2-1 at 3:00 p.m. (HDC-J)hm
1-10-77	16.	Mot. of Deft. Irby Sprouse, Jr., for ext. of time to ans. compl., fld. Pltf. has no obj. v (o)
1-11	17.	Order, filed, granting deft. Irby Sprouse an addit. 7 days to ans. pltfs' complaint (1-15-77). (HDC-J)hm (copies mailed)
1-13	MO:	Cases 76-C-509 & 76-C-478 reset for PT hearing on 3-2-77 at 3:00 p.m. (HDC-J)ph cps mld
1-18	18.	Ans. of Deft. Irby Sprouse, Jr., fld. v
1-18	19.	Counterclaim of Deft. Irby Sprouse, Jr. against Pltfs., fld. v
2-7	20.	Pltfs' ans. to counterclaim of deft. Sprouse, filed. ph
3-2	MO:	PT hearing held. Statements made. PT order, filed in open court. Parties to advise Court within 10 days whether they will waive jury. Mr. Blanchard allowed to file motion for S/J; Mr. Baker given 10 days thereafter to respond. Parties announce discovery complete. PT briefs, req. instr. & req. voir dire to be filed by 4-4. Case set for jury trial 4-18-77 at 9:30 a.m. (HDC-J)hm
3-2	21.	Pre-trial order, filed in open court. (HDC-J)hm

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 76-C-478-C 76-C-509-C PAGE XXXXX OR XXXX PAGES consolidated
BARBEE, CARL H., et al.		IRBY SPROUSE, JR., et al.	
DATE	NR.	PROCEEDINGS	Sheet 2, Page 3
3-10	22.	Motion for Summary Judgment, fld. by Defts. v	
3-10	23.	Trial brief and brief in support of Defts.' summary judgment, fld. v	
3-30	--	Deposition of Irby Sprouse, Jr. taken on 2-21-77, filed. ph (L.J. Christesson-CSR) (\$51.00 pd by pltfs.)	
3-31	24.	Pltfs' brief and reply to the defts' motion for S/J, filed. ph	
4-4	25.	Reply of defts. Irby Sprouse and Concept 21, to pltfs' brief, filed. ph	
4-12	MO:	Upon advice from parties that jury demand is waived, the above cases are hereby stricken from the jury assignment of 4-18-77 & reset for N/J trial on May 4, 1977 at 9:30 a.m. (HDC-J)ph ltr mld	
4-13	--	Deposition of Carl H. Barbee taken on 2-16-77 at Tulsa, OK, filed. ph	
4-28	26.	Order, filed, overruling defts' mot. for S/J. (HDC-J)k cps mld	
4-29	27.	Application for Extension of Non-Jury Trial Setting filed by Deft. Sprouse. njb (O to J)	
5-2	28.	Order, filed, striking both from trial docket of 5/4/77. njb (HDC-J)	
5-3	29.	Defts. Sprouse & Concept 21 Motion for Rehearing, filed. njb	
5-3	30.	Brief in Support of Defts. Motion to Rehear & Reconsider, filed. njb	
5-3	MO:	It is ordered by the Court that the Pltf. file a Responsive Brief within 10 days to the Mot. for Rehearing of Defts. Sprouse & Concept 21. (HDC-J) njb -- letter mld.	
5-25	31	Pltfs' reply brief in opposition to defts' mot. to re-hear and re-consider, filed. g	
6-10	MO:	Case set for N/J trial 7-5-77 at 9:30 a.m. (HDC-J)hm (notices mailed)	
6-30	32.	Order, filed, that motion of Irby Sprouse, Jr. and Concept 21, Inc. for rehearing and reconsideration of the Ct's ruling of 4-28-77 is overruled. (HDC-J)ph cps mld	
6-30	33.	Deft's applic. for ext. of N/J trial setting, filed. hm	
6-30	MO:	Upon applic. of deft. & no obj. from pltf., N/J trial set for 7-5-77 is hereby stricken, to be reset. (HDC-J)hm (parties phoned)	
7-13	MO:	Case set for N/J trial 8-15-77 at 9:30 a.m.; trial briefs due on or before 8-1-77. (HDC-J)hm	
8-12	34.	Appl. of Richard Blanchard to withdraw as counsel for deft., filed. rm	
8-15	MO:	Case called for non-jury trial. Parties represented. Applic. to withdraw of Richard Blanchard denied. Case set for N/J trial on 8-18-77 at 9:30 a.m., or immediately following jury trial in 76-C-125. (HDC-J)hm	
8-17	MO:	Case continued for N/J trial to Friday, 8-19-77 at 9:00 a.m. (HDC-J)ph parties phoned	
8-19	MO:	Case tried to the Court. Deft. not present, but rep. Pltfs. present & rep. Deft. announces he is not ready for trial. Court proceeds to trial. Opening statements waived. Pltf. presents case in chief w/test. of witnesses & introd. of exhibits. Orig. of pltf's ex. 4 to be substituted for copy. If deft. agrees that copy is accurate, it will be used as permanent exhibit. Parties stip. that Concept 21, Inc., & Concept 21 in Kans., Ark., & Okla., Inc., are one & the same, & pleadings to be so amended. Pltf. rests. Motion of deft. Concept 21 for dismissal denied; motion of deft. Sprouse for dismissal reserved, & Court to enter an order after briefs filed. Parties rest. Court	(over)

PLAINTIFF	DEFENDANT	DOCKET NO. _____
CARL H. BARBEE, ET AL	IRBY SPROUSE, JR., ET AL	PAGE 4 OF 2 PAGES

DATE	NR.	PROCEEDINGS
8-19-77		makes findings & enters judgment for pltfs. against Concept 21 in the amt. of \$12,750.00. Ruling reserved as to deft. Sprouse, pending briefs to be filed. Pltff. to file brief in support of allegations as to deft. Sprouse, along w/brief in support of req. for atty. fees within 10 days; deft. to respond 10 days thereafter. (HDC-J)hm
8-22	35.	Trial exhibits, filed. (with file)hm Pltfs' memo. brief, filed. ph
9-7	36.	Defts' response brief, filed. ph
12-5	37.	Journal Entry of Judgment, filed and entered, that pltfs. in 76-C-478 are granted judgment against deft. Concept 21 in Kansas, Ark. & Okla. in sum of \$12,750.00, together w/int. at rate of 6% per annum from 9-1-76 to date of judgment and costs; in 76-C-509, defts. Barbees are granted judgment against pltff. Concept 21 in Kans., Ark. & Okla. and costs; further ordered that pltfs' claim for relief against deft. in 76-C-478, Irby Sprouse, as well as pltfs' req. for atty. fees, are taken under advisement. (HDC-J)hm (copies mailed)
12-7	38.	Order & Judgment, filed and entered, that judgment is entered in favor of deft. Sprouse & against pltfs. Barbees in 76-C-478; further ordered that pltfs. Barbees are entitled to an award of attys' fees & parties are given 10 days to present info. necessary for Court to set such reasonable fee. (HDC-J)hm (copies mailed)
12-16	39.	Motion of deft. Irby Sprouse to tax costs as atty. fees, filed. rm
12-16	40.	Brief in support of mo/tax costs as atty fees, filed. rm
12-16	MO:	Ordered that pltfs. Barbees are granted 10 days to respond to mo/tax costs as atty. fees.(HDC-J)rm-letter
12-27	41.	Pltfs' appl. for order to appear and ans. as to assets, filed. ph (O to J)
12-27	42.	Pltfs' resp. to mo/tax atty fees, filed. ph
12-27	43.	Pltfs. information regarding atty fees, filed. ph
12-28	MO:	Ordered that pltfs' applic. for order to appear & ans. as to assets is referred to Mag. Rizley for hrg. (HDC-J)hm
12-29	44.	Order to appear and ans. as to assets, filed, setting hearing before Mag. Rizley on 1-9-78 at 9:30 a.m. (HDC-J)ph cps mld
1978		& entered
1-3	45	Order, fld./It is the determination of the Ct. that an atty. fee is assessed in favor of Carl H. Barbree and Ruth F. Barbree and Against Concept 21, in Kansas, Arkansas & OK, Inc. in the amt. of \$1,800.00. The statement fld in behalf of Irby Sprouse, Jr. indicates that only six hours can be allocated to the representation of him in his individual capacity as opposed to his capacity as president of Concept 21, Inc. Consequently, an atty. fee is assessed in favor of Irby Sprouse, Jr. & against Carl H. Barbree & Ruth F. Barbree in the amt. of \$300.00. IT IS SO ORDERED. (HDC-J) c/m ho
1-9	MO:	There being no appearances at asset hrg., hrg. stricken for lack of service. (RSR-Mag)hm